

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

6 DARRYN W. BAKER,)
7 Plaintiff,) No. CV-09-03040-CI
8 v.)
9 MICHAEL J. ASTRUE,) ORDER GRANTING STIPULATED
10 Commissioner of Social) MOTION FOR REMAND PURSUANT
Security,) TO SENTENCE FOUR OF 42
11 Defendant.) U.S.C. 405(g)

BEFORE THE COURT is the parties' stipulated Motion for remand of the above-captioned matter to the Commissioner for additional administrative proceedings. (Ct. Rec. 31.) Attorney D. James Tree represents Plaintiff Darryn W. Baker; Special Assistant Untied Sates Attorney David R. Johnson represents Defendant. The parties have consented to proceed before a magistrate judge. (Ct. Rec. 8.) After considering the stipulation of the parties,

IT IS ORDERED:

1. The parties' stipulated Motion for Remand (**Ct. Rec. 31**) is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, a different administrative law judge (ALJ) will:

a. Re-contact Dr. Hartman for clarification of her opinion as previously ordered, document the file to show what re-contact efforts are made, and document the file with all

1 responses and/or lack of responses;

2 b. Reevaluate the medical evidence from Dr. Hartman and Dr.

3 Mabee and incorporate the relevant limitations and

4 abilities into a residual functional capacity finding or

5 provide specific explanation and reasoning for the weight

6 given to their opinions;

7 c. Re-assess the Plaintiff's mental residual functional

8 capacity providing supporting rational for the assessed

9 limitations;

10 d. Obtain testimony from a medical expert in internal

11 medicine or other appropriate specialty to clarify whether

12 onset of disability could be inferred to have occurred

13 prior to January 1, 2010 (the currently established

14 disability onset date), either due to the claimant's liver

15 disease meeting or equaling the Listing 5.05 or due to his

16 combination of impairments meeting or equaling another

17 Listing prior to January 1, 2010, after the effects of

18 drug abuse and alcoholism are separated out;

19 e. If Plaintiff does not meet or equal a Listing, consult the

20 medical expert to aid in assessing the limitations that

21 result from the claimant's impairments;

22 f. Obtain supplemental testimony from a vocational expert and

23 ascertain whether the vocational expert's testimony is

24 consistent with information in the DICTIONARY OF OCCUPATIONAL

25 TITLES;

26 2. The ALJ will perform any further development and conduct

27 further proceedings deemed necessary. The ALJ and Plaintiff may

28 also raise and pursue additional issues, including any discussed in

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1 || Plaintiff's brief.

2 3. Judgment shall be entered for the **PLAINTIFF**.

3 4. Plaintiff's Motion for Summary Judgment (Ct. Rec. 25) is
4 dismissed as moot.

5 5. An application for attorney fees may be filed by separate
6 motion.

7 The District Court Executive is directed to enter this Order,
8 forward copies to counsel, and thereafter shall close this file.

9 DATED June 29, 2010.

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11 S/ CYNTHIA IMBROGNO
UNITED STATES MAGISTRATE JUDGE

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